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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,177	03/24/2004	Kazuto Ariga	03560.003446.	4196
5514 7590 03/19/2009 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
SELBY, GEVILL V				
ART UNIT		PAPER NUMBER		
2622				
MAIL DATE		DELIVERY MODE		
03/19/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/807,177

Applicant(s)

ARIGA, KAZUTO

Examiner

GEVELL SELBY

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-12 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/13/09 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 8-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claim 12 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 12 states the same limitations amended to claim 8.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 8-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kumagai et al., US 6,404,981.

In regard to claim 8, by Kumagai et al., US 6,404,981, discloses an image pickup apparatus comprising:

a lens barrel (see figure 1, element 4);

an image pickup device (see figure 3, element 21) for converting an object image into an electrical signal;

an image display unit (see figure 5, element 11);

an exterior member (see figure 5, element 2) comprising front (see figure 5, element 2a) and rear covers (see figure 5, element 2b), each extending from a first side to a second side of the apparatus; and

a chassis (see figure 5, element 42) being disposed at least between said lens barrel and said image display unit, extending from the first side to the second side of the apparatus,

wherein said chassis comprises first bent portions (see figure 5, element 42b and 42c) positioned at opposing ends of said chassis, fixed to the front and rear covers of the exterior member by a plurality of fixing members (see figure 5, element (see figure 5, element 44) formed on the first bent portions in order to fix said chassis to said exterior member, and a second bent portion (see figure 5, element 42d) formed between the first bent portions; and

wherein said second bent portion is formed in an area other than an area between said lens barrel and said image display unit (see figure 5: the second bent portion (42d) is on the right side of the camera whereas the lens and display is on the right).

In regard to claim 9, by Kumagai et al., US 6,404,981, discloses the image pickup apparatus according to Claim 8, further comprising a recording-medium accommodating unit (see figure 5, element 32), wherein said recording-medium accommodating unit is located in a space formed between one of the first bent portions and the second bent portion (see figure 5: the recording medium accommodating unit (42) is located between the first bent portions (42b and 42c)).

In regard to claim 10, by Kumagai et al., US 6,404,981, discloses the image pickup apparatus according to Claim 9, wherein said recording-medium accommodating unit is covered by a covered portion (see figure 5, element 7) which is located between one of the first bent portions and the second bent portion of said chassis and is facing said exterior member (see figure 5: the covered portion (7) is located between the first bent portions (42b and 42c)).

In regard to claim 12, by Kumagai et al., US 6,404,981, discloses the image pickup apparatus according to claim 8, wherein said second bent portion is formed in an area other than an area between said lens barrel and said image display unit (see figure 5: the second bent portion (42d) is on the right side of the camera whereas the lens and display is on the right).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kumagai et al., US 6,404,981, in view of Silverbrook, US 2005/0088527.**

In regard to claim 11, Kumagai et al., US 6,404,981, discloses an image pickup apparatus according to Claim 9. The Kumagai reference does not disclose further comprising a battery accommodating unit, wherein said recording-medium accommodating unit is fixed to said battery accommodating unit. However, it would have been obvious to one of ordinary skill in the art to have a battery accommodating unit to hold a battery to power the camera.

Silverbrook, US 2005/0088527, discloses a camera with a battery accommodating unit (see figure 4, element 53), wherein said recording-medium accommodating unit (see figure 4, element 39) is fixed to said battery accommodating unit.

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Kumagai et al., US 6,404,981, in view of Silverbrook, US 2005/0088527, to have a battery accommodating unit, wherein said recording-medium accommodating unit is fixed to said battery accommodating unit, in order to power the hold a battery to power the camera and save space and cost by making the two accommodating unit together.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEVELL SELBY whose telephone number is (571)272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gvs

/Gevell Selby/
Examiner, Art Unit 2622